

**BILLINGS COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING – JUNE 2, 2015**

The meeting was called to order at 9:00 A.M. with Commissioners Kasian and Kessel in attendance. Chairman Arthaud was absent.

Others present during portions of the meeting were: Road Superintendent Jeff Iverson, Sheriff Pat Rummel, Tommy Brown, Ashley Ross, Jeremy Wood, John Hild, Clarence Sitter

Kasian moved to approve the minutes from the May 5, 2015 regular meeting. Kessel seconded. All voted aye.

Road Superintendent Jeff Iverson discussed signage on Highway 85 by Fairfield. The total sign cost is \$15,000/sign due to the necessity from DOT to hardwire the blinking signs. He also went over his monthly report with the board. Discussion ensued regarding the acquisition of the easement of 3 miles on Mike's Creek Road. Whiting Oil & Gas has committed \$242,000.00 to Billings County so that a culvert may be replaced. The board discussed fire, weed, and safety reasons for maintaining the 3 miles. Kasian moved to acquire the 3 miles of easement from the Forest Service. Kessel seconded. All voted aye. The board then discussed an open position in 2nd district for a cdl driver. Auditor Lamb will advertise for this position and the Road Superintendent as well as the Road Foremen will interview prospective applicants.

Sheriff Rummel approached the board to discuss the changes for the road permitting system. Self issued permits will be discontinued. This will be an additional duty in the sheriff's department as all permits must be reviewed and approved. Discussion was had regarding the possibility of an additional float employee to work with the Sheriff's office, Road & Bridge, and the Auditor's office. This will be addressed at a later meeting.

The board reviewed zoning requests that had been addressed by the zoning board at their May 21, 2015 meeting as follows:

Stuart Crismore: Application for a conditional use permit to allow a rv as temporary housing on a 2.76 acre parcel in the NW1/4NW1/4 14-142-99 (2010 Hwy 85 SW, South Fairfield). Variance also requested to allow the use in a commercial district. Property is owned by Arnold Rodakowski. There was previously a mobile home on the site. The zoning board approved the conditional use permit and the variance. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

Giles Radtke: Application to construct a 62'x34' garage on an 18.7 acre tract in the SE1/4 8-139-100 (13603 38th St SW). Also requested is a variance to construct within the section line setback requirement. Property is zoned commercial. There is an existing foundation from a barn. The zoning board approved the application contingent upon the requirement that if the county ever needs to build up that road that it will be the landowner's duty to move the garage. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

James & Kelli Barron: Application to construct a 30'x36' garage on tract 3 in the NW1/4NW1/4 26-141-99 (2812 Hwy 85 SW). Property is zoned residential. The zoning board approved the application. Kasian moved to uphold the zoning board decision. Kessel seconded. All voted aye.

The board received and approved the following permit with road superintendent conditions:

ARW Permit

- Rick Duval – Section 22-141-99 along Green River Rd (2707 Green River Rd)

Tax & Zoning Director Stacey Swanson discussed residential applications which have all setbacks, water, sewer etc. requirements all met, and requested to approve these requests within her office. The board stated that they would approve of this being done with a report of what is approved between meetings.

Sheriff Rummel discussed a grant request that he made for staffing.

Auditor Lamb presented a proposal to change the courthouse hours for the summer. Requested is a change to the offices opening at 7:00A.M. and closing at 4:00P.M. Monday through Thursday, and 8:00A.M. to 12:00P.M. on Fridays. Kessel moved to approve the change in courthouse hours and amend resolution 2015-04 to read as follows:

AMENDED RESOLUTION NO. 2015-04

WHEREAS, The Board of County Commissioners has the authority to determine the open hours for the transaction of business in the Billings County Courthouse:

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. The Board of County Commissioners declares that the Billings County Courthouse will be open for business every Monday through Friday during the hours of 8:00 A.M. to 4:00 P.M. except Memorial Day through Labor Day it will be open Monday through Thursday hours of 7:00 A.M. to 4:00 P.M., Friday 8:00 A.M. to 12:00 noon with the exception of holidays and other declared closings.

Dated at Medora, ND, this 2nd day of June, 2015.

BILLINGS COUNTY, NORTH DAKOTA

By: _____
Joseph Kessel, Acting Board Chairman

Attest: _____
Marcia Lamb, County Auditor/Treasurer

Tommy Brown from KLJ was present for the monthly engineer’s report.

Ashley Ross from KLJ was present to discuss the necessity of additional studies on the Little Missouri River Project. Resolution 2015-15 was presented by Auditor Lamb. Kessel moved to adopt Resolution 2015-15. Kasian seconded. All voted aye. The resolution reads as follows:

RESOLUTION NUMBER 2015-15 RESOLUTION OF THE BILLINGS COUNTY BOARD OF COMMISSIONERS

1. **WHEREAS**, Billings County is the project sponsor planning to construct a road and bridge somewhere across the Little Missouri River to better accommodate traffic flow and transportation needs for citizens, tourists, commercial/industrial traffic, school bus routes, emergency personnel and County road maintenance. The proposed project is located within a study area between the southern border of the North Unit of Theodore Roosevelt National Park, the northern border of the South Unit of Theodore Roosevelt National Park, the eastern border of US Highway 85, and the western border of ND Highway 16. The Elkhorn Ranch Unit of Theodore Roosevelt National Park has been excluded from the project study area.
2. **WHEREAS**, Billings County is a political subdivision of the State of North Dakota. As such, Billings County has the authority to plan and construct roads and bridges pursuant to North Dakota Century Code 11-11-14. Billings County has the authority to use eminent domain for the purposes of property acquisition for road and bridge projects pursuant to North Dakota Century Code 11-11-14, Subdivision 20 and North Dakota Century Code 24-05-09.
3. **WHEREAS**, an Environmental Impact Statement (EIS) has been initiated for a proposed crossing of the Little Missouri River in conjunction with upgrading existing roadways and/or creating new roadways to connect east river and west river, from ND Highway 16 to US Highway 85, within the study area. The options being studied within Billings and McKenzie Counties for potential road corridors include one "no build" alternative and two "build" alternatives, identified as Alternative A and Alternative K, with K having Options 1, 2 and 3. The parcels crossed by these Alternatives are identified on the attached maps.
4. Field studies need to be completed on the build alternatives during the summer of 2015. Fieldwork will be completed this summer and a full analysis of potential environmental and social impacts will be conducted on the proposed alternatives. These impacts, purpose and need and a detailed description of the alternatives will be disclosed in the EIS.

NOW THEREFORE, BE IT RESOLVED BY THE BILLINGS COUNTY BOARD OF COMMISSIONERS:

5. In order to determine whether the alternatives being studied in the EIS process are reasonable and feasible for use as a roadway and/or bridge, Billings County hereby resolves that it is necessary for its contractors to gain access to the parcels depicted on the attached map in order to conduct the following: (1) additional field wetland delineation; (2) surveys of botany, wildlife and threatened, endangered and candidate species; and (3) potential testing of cultural resource areas. This access must be located in the manner which will be compatible with the greatest public benefit and the least private injury and subject to the provisions of North Dakota Century Code Section 32-15-21. No compensation is provided merely for the right to enter, but any damage occurring as a result of the entry will be compensated, although no damage is expected.

6. Since Billings County has the power of eminent domain and is in charge of studying various properties to determine whether they are appropriate for use as a road and/or bridge, Billings County has the legal authority to enter onto these lands to conduct necessary studies and surveys pursuant to North Dakota Century Code 32-15-06.
7. The Billings County Board hereby resolves and orders its legal counsel to send correspondence via certified mail to landowners whose land must be accessed for these survey, sampling and study purposes. The letters should advise the landowners of the timeframe when the consultants intend to be on their property to conduct the necessary surveys.
8. A map with the route of the potential road alignments is attached hereto, which will depict which lands will be accessed.

Dated at Medora, ND, this 2nd day of June, 2015.

BILLINGS COUNTY, NORTH DAKOTA

By: _____
Joseph Kessel, Acting Board Chairman

Attest: _____
Marcia Lamb, County Auditor/Treasurer

The board recessed from 12:00P.M. to 1:00P.M.

At 1:00P.M. the board recessed as the Billings County Commission and convened as The Billings County Board of Equalization. Tax Director Stacey Swanson was present to discuss the valuation changes for 2015. City and rural residential, commercial and agricultural values were increased as needed for new construction, assessment updates, and for exempt to taxable properties. The total local assessment in taxable value for Billings County is \$10,789,808 which is an increase of \$1,428,443 or a 15.3% county increase. John Hild was present to receive information for his individual properties. Clarence Sitter was present as representative from the Theodore Roosevelt Medora Foundation and requested a reconsideration of the valuation of the Roughrider Hotel as they just had it privately appraised. Stacey Swanson went over the valuation she had presented and her reasoning. Clarence Sitter will bring the appraisal for her review, and may make application for abatement at a later date. Kasian moved to approve the assessments as presented. Kessel seconded. All voted aye.

An abatement application from Citation Oil & Gas was reviewed. This pipeline was plugged and abandoned in 2011. Abatements may only go back Tax years 2013 & 2014. Total amount to abate these taxes for 2013- \$269.01 and 2014- \$250.15. Kasian moved to approve the abatement. Kessel seconded. All voted aye.

After review of Resolution 2015-16 which came about due to the requirements of the SB-2103 (Surge Fund Bill), Kasian moved to adopt. Kessel seconded. All voted aye.

RESOLUTION 2015-16

WHEREAS, pursuant to the recent passage of the Design Speed Exemption Policy by the ND Legislature, all road projects must be designed for at least 55 mph unless NDDOT provides an exception; and

WHEREAS, in Billings County, ND, virtually all rural roads are gravel surface, the Badlands topography is varied and difficult, and almost all of the County is designated as “open range”; and

WHEREAS, the above factors make a uniform 55 mph design standard impractical and unsafe for the traveling public.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. On gravel surfaced rural roads in Billings County, ND, a 55 mph design standard is not safe, desirable, nor practical.
2. Due to the factors stated above, and for the safety of the traveling public, Billings County, ND confirms its long-standing policy of designing and posting roads within the County for a speed limit of less than 55 mph when appropriate, and that a design exception for speed should not be required under those circumstances.

Dated at Medora, ND this 2nd day of June, 2015.

BILLINGS COUNTY, NORTH DAKOTA

Joseph Kessel, Acting Chairman

Marcia Lamb, County Auditor

The board approved the revenue vouchers for the month of May: Recorder \$2,990.50; Zoning \$425.00; Court \$194.50.00; Sheriff \$154.40.

Revenues for materials and/or services rendered in May: EMS Services \$680.03

Revenues for the month of May: Sheriff \$17,783.50 permits, Sheriff \$281.00 24/7 payments; Sheriff \$60.00 Overload Fine; Highway Tax Distribution \$14,414.77; Oil & Gas Production Tax \$119,267.90; Interest \$8,929.39; Royalties \$23,225.04; Unorganized Oil & Gas Production Tax \$31,500.03; Grants ND Dept of Trust Lands \$200,000.00; Fireworks Permits \$202.00

The following claims were approved for payment:

PAYEE	CHECK #	AMOUNT
Blue Cross Blue Shield	009419	\$ 2,791.10
N.D. P.E.R.S.	009420	\$ 40,898.60
24/7 Contracting Services, LLC	009421	\$ 23,517.98
3D Specialties	009422	\$ 5,092.50
A-Z Hydro Seeding	009423	\$ 2,500.00
Adams, Donna	009424	\$ 760.40
Adams, James W.	009425	\$ 500.00
Advanced Business Methods	009426	\$ 17.92
Advanced Collision Center, Inc.	009427	\$ 963.17
Alliance Ag South Heart	009428	\$ 971.58
Alternative Sanitation	009429	\$ 220.00
AmeriPride Linen Service	009430	\$ 553.50
Anchor Drilling Fluids USA, Inc.	009431	\$ 36,520.00
Aspen Mills	009432	\$ 127.42
A T & T Mobility	009433	\$ 73.52
Belfield Automotive Supply, Inc.	009434	\$ 1,102.49
Billings County Rural Fire District	009435	\$ 80.43
Billings County Pioneer	009436	\$ 60.48
Billings County School District	009437	\$ 200,000.00
Billings County School District	009438	\$ 766.33
Billings County Sheriff	009439	\$ 420.27
Boltz Construction	009440	\$ 4,755.00
Bound Tree Medical	009441	\$ 90.66
Brooks & Associates, C. E.	009442	\$ 307.38
Buffalo Gap, Inc.	009443	\$ 219.90
Butler Machinery Co.	009444	\$ 385.62
Cavalier County Recorder	009445	\$ 68.24
Cerkoney, Cathy	009446	\$ 90.25
Challenger Industries, Inc.	009447	\$ 100.56
CHI St. Joseph's Health	009448	\$ 113.21
Citation Oil & Gas Corp.	009449	\$ 521.51
Creative Energy	009450	\$ 248.48
Dakota Farm Equipment, Inc.	009451	\$ 1,338.57
Dakota Filter Supply	009452	\$ 183.60
Dakota Sports	009453	\$ 18,285.00
Dan's Interstate Conoco, Inc.	009454	\$ 94.00
DF Lighting Company	009455	\$ 1,032.71
Dickinson Public Library	009456	\$ 3,880.12
Duletski, John & Nancy	009457	\$ 3,600.00
Emil's Repair	009458	\$ 364.00
Expressway Suites – Bismarck	009459	\$ 1,999.00
Fastenal Company	009460	\$ 140.30
Fisher Industries	009461	\$ 1,081.80
Golden Valley County	009462	\$ 8,857.94
Hartman, Connie M.	009463	\$ 184.25
Heiser Electric, Don	009464	\$ 1,134.49
Helena Chemical Company	009465	\$ 2,273.00
Hidden Springs Java	009466	\$ 87.50
Hintz, Kadon	009467	\$ 1,000.00
Hlebechuk Construction, Inc.	009468	\$ 223,632.16
Hlebechuk Construction, Inc.	009469	\$ 12,615.00
HR Collaborative	009470	\$ 40.00
Hugelen, Derek	009471	\$ 90.00
J and J Operating, LLC	009472	\$ 65.58
J P Steel & Supply, Inc.	009473	\$ 74.26
Jamestown Communications, Inc.	009474	\$ 34.00
JB's Window Cleaning Service	009475	\$ 375.00
Johnson, Joshua Q.	009476	\$ 1,000.00
Kadrmas, Lee, & Jackson, Inc.	009477	\$ 74,055.87
Kappel Tree Service, LLC	009478	\$ 75.00
Kasian, Connie	009479	\$ 84.50
Kasian, Michael E.	009480	\$ 104.08
Kastrow, Jason	009481	\$ 35.00
Kessel, Anita F.	009482	\$ 96.00
Kessel, Clara	009483	\$ 348.50
Kessel, Joseph L.	009484	\$ 199.50
Kohler Communications, Inc.	009485	\$ 200.00
Krush, Paul	009486	\$ 98.30
Lamb, Marcia	009487	\$ 210.50

Lawson Products, Inc.	009488	\$	1,825.94
Liberty Doors, LLC	009489	\$	1,110.00
Lyle Signs, Inc.	009490	\$	1,243.93
Mac’s, Inc.	009491	\$	253.28
Mackoff Kellogg Law Firm	009492	\$	120.00
Mainstay Suites – Bismarck	009493	\$	502.00
Malkowski Trucking	009494	\$	13,687.50
Martin Construction	009495	\$	414,514.81
Menards – Dickinson	009496	\$	410.91
Metro-Billings Services	009497	\$	152.00
Mid-American Research Chemical	009498	\$	124.06
Midstate Telephone Company	009499	\$	1,092.49
Montana Dakota Utilities Co.	009500	\$	220,139.55
N.D. Association of Counties	009501	\$	562.88
N.D. Association of Counties	009502	\$	87.67
N.D. Association of Counties	009503	\$	55.00
N.D. Cowboy Hall of Fame	009504	\$	200.00
N.D. Department of Mineral Resources	009505	\$	48.00
N.D. Department of Transportation	009506	\$	10.00
N.D. Department of Transportation	009507	\$	10.00
N.D. Department of Transportation	009508	\$	1,214.73
N.D.P.E.R.S.	009509	\$	3,451.68
N.D. State Treasurer	009510	\$	15.75
NDACO Resources Group, Inc.	009511	\$	1,840.19
Nelson International	009512	\$	362.08
Nielsen, Bobbie Jo	009513	\$	75.00
North Dakota Safety Council	009514	\$	200.00
Northern Improvement Company	009515	\$	13,340.08
Northern Improvement Company	009516	\$	51,650.39
Northwest Tire, Inc.	009517	\$	3,694.19
O’Brien Oilfield Service, LLC	009518	\$	990.00
Obrigewitch, Mikayla	009519	\$	90.00
Off Road Software, Inc.	009520	\$	695.00
O K Tire Stores	009521	\$	3,596.31
Pitney Bowes Global	009522	\$	378.27
Postmaster	009523	\$	364.00
Pump Systems, Inc.	009524	\$	10,045.11
Putnam, Karen	009525	\$	51.15
RDO Trust 80-5800	009526	\$	44,827.96
Respond Systems	009527	\$	59.11
Rockmount Research & Alloys	009528	\$	900.35
RPM Auto Repair	009529	\$	1,457.16
Rummel, Patrick	009530	\$	35.00
Runnings Supply, Inc.	009531	\$	552.60
Sax Motor Co.	009532	\$	602.61
Southwest Business Machines	009533	\$	1,482.41
Southwest Multi-Co. Correction Ctr.	009534	\$	1,830.00
Southwest Water Authority	009535	\$	1,743.15
Southwest Water Authority	009536	\$	15.74
Southwestern District Health Unit	009537	\$	54.78
Steffan Feeds	009538	\$	897.85
Stryker Sales Corporation	009539	\$	1,258.22
Tapco	009540	\$	5,160.00
Tczap, John	009541	\$	50.00
Tom’s Service Center	009542	\$	1,268.51
Total Safety U.S., Inc.	009543	\$	478.76
Trotter Construction, Inc.	009544	\$	8,227.63
U P S Store	009545	\$	28.36
Uniform Center	009546	\$	95.30
Verizon Wireless	009547	\$	1,940.22
Volesky Construction	009548	\$	24,149.00
Wal-Mart	009549	\$	92.97
WatchGuard Video	009550	\$	39.56
Weidner, Jacob	009551	\$	90.00
West Dakota Oil, Inc.	009552	\$	19,357.20
Westlie Truck Center	009553	\$	9,829.60
Zoll Medical Corp.	009554	\$	297.77
Martin Construction	009555	\$	85,896.51
N.D. P.E.R.S.	009559	\$	31,999.82
Century Link	009563	\$	522.23
Consolidated	009564	\$	232.19
Discovery Benefits, Inc.	009565	\$	83.00
Information Technology Dept.	009566	\$	503.40
Medora, City of...	009567	\$	368.22
Reservation Telephone Cooperative	009568	\$	41.24
Roughrider Electric Cooperative	009569	\$	2,810.23
Visa	009570	\$	3,248.92
Visa	009571	\$	525.66

Payroll in the following amounts were approved for May: General Fund \$142,982.54; Road and Bridge Fund \$100,475.99; Weed Fund \$10,693.90.

With there being no further business, Kasian moved to adjourn the meeting 3:05P.M. Kessel seconded. All voted aye.

Joseph Kessel, Acting-Chairman

Attest: _____

Marcia Lamb, Auditor/Treasurer